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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 In re:

11 USA COMMERCIAL MORTGAGE
COMPANY,

12 Debtor.

Case No.: 2:07-cv-0892-RCJ (base case)

[PROPOSED]

**ORDER ON MOTION TO TERMINATE
RECEIVERSHIP (ECF NO. 2391)**

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15 The Receiver, Tom Grimmett, motioned the Court for further instructions, or in the
16 alternative, to terminate the Receivership regarding the asset known as “Brookmere.” *See* ECF
17 No. 2391. The Bickel & Brewer DL Settlement Trust, also known as the QST, which represents
18 many of the direct lenders in the Brookmere loan responded and stated that it was willing to
19 accept receivership of the asset. *See* ECF No. 2392.

20 This matter came on for hearing on August 25, 2016 and present for the Receiver were
21 Christian Balducci, with Lisa Rasmussen present for the B&B DL Settlement Trust. Having
22 heard the comments of the parties,

23 IT IS HEREBY ORDERED that the Receivership is hereby terminated.

24 IT IS FURTHER ORDERED that the B&B DL Settlement Trust is to file a fully noticed
25 motion in the 09-bk-32824 case which would enable it to liquidate the asset on behalf of the
26 Brookmere Direct Lenders.

27 IT IS HEREBY ORDERED that the Court approves the Receiver’s final report as set
28 forth within the Receiver’s petition to terminate, or in the alternative, for instruction.

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1 IT IS HEREBY ORDERED that the Receiver's actions throughout are hereby approved
2 and ratified.

3 IT IS HEREBY ORDERED that the Receiver acted within the bounds of the order
4 appointing him throughout.

5 IT IS HEREBY ORDERED that the Receiver acted in the best interest of the
6 Receivership Estate throughout the term of his appointment by this Court.

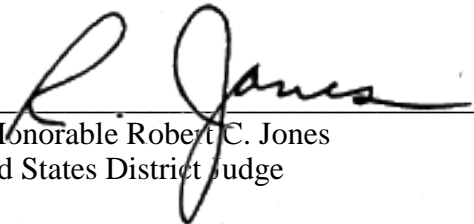
7 IT IS HEREBY ORDERED that the Receiver and his counsel is further released from
8 any liability that may be incurred or arise subsequent to the Court's order termination the
9 Receivership.

10 IT IS HEREBY ORDERED that, until fully satisfied, the Receiver's Certificates as
11 identified in the Motion to Terminate shall serve as an equitable and recordable lien against the
12 real property and other property(ies) that were the subject of the receivership estate resulting in
13 the instant matter.

14 IT IS HEREBY FURTHER ORDERED that, in connection with the Receiver's
15 Certificates, this order may be recorded as further evidence of the amounts due and owing to the
16 Receiver and to the lender's identified in the Receiver's Certificates until released and/or
17 reconveyed as the case may be as provided for by the substantive law of the state in which the
18 property(ies) is/are located.

19 IT IS FURTHER ORDERED that counsel for the Receiver and counsel for the B&B DL
20 Settlement Trust shall work to agree upon the amount due to the Receiver and to agree upon how
21 the funds shall be paid, this Court will retain jurisdiction over that issue if the parties are not able
22 to reach any agreement.

23 Dated: This 21st day of December, 2016.

24 
25 The Honorable Robert C. Jones
26 United States District Judge
27
28

Submitted by:

MARQUIS AURBACH COFFING

By: /s/ Christian T. Balducci

Terry A Coffing, Esq.

Nevada Bar No. 494

Christian T. Balducci, Esq.

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Attorney for Receiver

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of December, 2016, I electronically filed and served the foregoing [PROPOSED] ORDER ON MOTION TO TERMINATE RECEIVERSHIP (ECF No. 2391) to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing:

/s/ Cheryl Becnel

An employee of Marquis Aurbach Coffing

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